

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the outstanding grounds of objection and/or rejection are respectfully requested in light of the above amendments and the remarks that follow.

The Examiner continues to reject claims 16, 13 and 25 for inclusion of the phrase "average performance." The Examiner acknowledges that the phrase is understandable within the art that it pertains to, but the Examiner contends that the phrase doesn't further limit the claim and that it itself denotes an infinite amount of results.

The Examiner's own acknowledgement that the phrase is understandable within the relevant art area is sufficient in and of itself for overcoming the rejection. Moreover, the Examiner's contention that the phrase does not further limit the claim is simply not true. Claim 6, for example, depends from claim 1 and claim 6 requires that the display page include, in addition to what is required by claim 1, an indication of average performance characteristics for other turbines. This limitation clearly limits the subject matter of claim 1 from which it depends by requiring an additional display of data relative to a term which the Examiner acknowledges is well understood in the art. For this reason, it is respectfully submitted that claims 6, 13 and 25 are in full compliance with 35 U.S.C. 112, second paragraph. With regard to claims such as claims 7, 14 and 26 that incorporate the phrase "highest performance," applicant has cancelled those claims, thereby rendering the rejection moot.

With regard to the utilization of the term "similar turbines," applicant has amended the relevant claims to refer instead to "other turbines," thereby overcoming the rejection.

The Examiner continues to maintain that the amendment to the specification and claims referring to the turbine as an actual or operational turbine constitutes new matter under 35 U.S.C. 132. The Examiner's rejection on this basis is respectfully traversed. The application as filed is replete with references to problems associated with installed turbines operating at customer sites and used for the generation of, for example, electric power. Note, for example, the discussion in the "Background" section referencing optimization of performance when a turbine is first installed at a power plant. The discussion continues with respect to performance degradation of the turbine over time and ways to assist operators of power plants to evaluate and improve performance of the installed turbines. Indeed, the entire application is devoted to the solution to that problem. Note in this regard the continual reference to a turbine "operator," an obvious reference to the person on site responsible for the operation of the turbine. Indeed, one of the first inquiries in the performance analysis is related to receipt of information from the user of identification information relating to the turbine to be analyzed (see page 5, lines 1-3). Further in this regard, the Examiner's attention is directed to Figure 1 where the turbine profile is initially input and note the reference to a customer ID, site ID, unit number, serial number, output, and "op hours," obviously referring to operational hours of the turbine to date.

It is therefore abundantly clear from the specification that the turbine being analyzed is in fact at an installed turbine at a customer site, and the mere insertion in the specification and claims of the word "operational" can hardly be considered new matter. In any event, in order to use language that was in fact part of the specification as filed, applicant has deleted reference to an actual or operational turbine in favor of the term "installed turbine."

The Examiner continues to reject claims 1-9, 11-18, 20, 21, 23-29 and 31-40 under 35 U.S.C. 102(b) as anticipated by Reed et al. As acknowledged by the Examiner, Reed et al. teaches a gas turbine simulation system. As noted in applicants' previous response, Reed proposes an educational simulator wherein various engine data are inputted and a theoretical output is calculated to understand its behavior. The present invention, in addition to doing what a comprehensive simulator can do, also utilizes live engine M and D data (monitoring and diagnostic signals) to calculate live or real time performance for a reel or operational turbine. In this regard, Reed's simulator is not capable of capturing hundred of live data beds coming from actual sensors installed on a particular operating machine. Reed's simulator can only take dummy, theoretical or design data that is pre-calculated based on physics rules. Many of these rules have assumptions built into them which result in differences observed during actual performance.

Accordingly, the claimed invention is used to actually improve upon a performance of an actual, installed turbine and not to merely educate or train people

based on theoretical input. In addition, Reed's simulator does not have a clear feedback loop while in the claimed arrangement, operating bounds are defined and any violations of limits can be fed back into an operational corrective circuit.

It is presumed from the Examiner's remarks that the above-discussed distinction is acknowledged by the Examiner. Accordingly, absent any new matter issue, the claims are clearly patentably distinguishable over the prior art as cited and applied by the Examiner.

The additional Section 103 rejection of claims 10, 19, 22, 30 and 41 as unpatentable over Reed in view of Kika et al. is also insufficient to evidence the obviousness of the subject matter of the rejected claims since the secondary reference fails to remedy the deficiencies in Reed as discussed hereinabove.


Applicant requests entry of the proposed amendment on the ground that the amendment places all remaining claims 1-6, 8-13, 15-25, 27-32 and 34-41 in condition for immediate allowance. The claims were not previously amended as proposed herewith since applicant could not anticipate the Examiner's position with respect to the new matter issue. In fact, applicant would be willing to simply leave the claim language as is, without further amendment, because the arguments against new matter are compelling whether the turbine is described as an operational turbine or an installed turbine.

In any event, should any small matters remain outstanding, the Examiner is encouraged to telephone the undersigned so that the prosecution of this application can be expeditiously concluded.

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Respectfully submitted,

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